

SENATE BILL REPORT

SB 5615

As Reported By Senate Committee On:
Judiciary, February 28, 2007

Title: An act relating to penalties against convicted motor vehicle offenders to pay for chemical dependency and prevention programs.

Brief Description: Imposing penalties against convicted motor vehicle offenders.

Sponsors: Senators Rockefeller and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/23/07, 2/28/07 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray and Weinstein.

Staff: Dawn Noel (786-7472)

Background: It is a crime to commit the following motor vehicle offenses: driving while a license is invalidated, driving without an ignition interlock device when required to do so, circumventing an ignition interlock device, reckless driving, driving under the influence, being in physical control of a vehicle while under the influence, vehicular homicide, vehicular assault, negligent driving in a manner that exhibits the effects of having consumed liquor or an illegal drug (first-degree negligent driving), and racing vehicles on highways. Due to the criminal nature of these offenses, courts may require offenders to pay restitution, costs, fines and other assessments.

Concern exists regarding chemical dependency and its relation to motor vehicle incidents in Washington.

Summary of Bill: All superior, district, and municipal courts may impose a penalty assessment not to exceed \$100 on any person who is convicted for violating any of the offenses set forth above.

Revenue from the assessment must be used to establish and fund the following programs in the city or county of the court imposing the assessment: (1) law enforcement education designed to reduce motor vehicle related accidents and deaths; and (2) evidence-based or research-based advocacy, education and prevention programs related to chemical dependency

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and motor vehicle operation; or chemical dependency treatment programs. If cities or counties do not have such programs, they can use the revenue generated from the assessment to contract for such programs.

When determining whether to impose the assessment, judges are encouraged to provide opportunities for victims to provide testimony.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Motor vehicle offenders are responsible for hundreds of fatalities each year. Washington absorbed approximately \$5.3 billion in one year from alcohol and speed-related crashes. The responsibility needs to be placed back on offenders and not on us law-abiding citizens. In the concern that offenders are already paying too much in fines, courts are tasked by legislators to be rehabilitative courts. Time and time again judges reduce, suspend, and waive fees, fines, and jail time to work with offenders to rehabilitate them. Imposing these fines should deter them. We can use these fines to help break the behavior of convicted motor vehicle offenders through counseling, treatment, and assessment. It's only up to \$100, which is a night of drinking for an alcoholic or two tanks of gas for a road racer. A similar assessment already exists to help fund domestic violence programs; therefore, it shouldn't cost the courts any more to assess these fines. With approximately 41,000 DUI citations in 2005, even if less than half convicted, this could result in \$2 million, which is desperately needed for education and prevention programs such as traffic safety programs in schools that can help kids become responsible drivers. Much of the funding for these programs comes from donations and grants, which are becoming more competitive. The history of repeat offenders shows that they are not already paying too much in fines. There are more and more cases where offenders are paying several thousand dollars to defense attorneys. This bill would apply to serious motor vehicle crimes and not everyday minor traffic infractions and citations. We need a more proactive approach in dealing with threats and injuries caused by motor vehicle offenders.

OTHER: This bill offers a lot of things that counties have asked for repeatedly such as flexibility and ability to retain these types of fines when assessed. However, concern exists regarding collection of these fines. The way fines are collected and then distributed to the state or as restitution means this \$100 would be some of the last money collected and made available for these programs. The fiscal note offers caution in that, assuming 50 percent of the fines are collected, each county would only get \$15,000 per year.

Persons Testifying: PRO: Ryan Hubbard, on behalf of Senator Rockefeller, prime sponsor; Betty Skinner, Nora Sizemore, citizen; Marsha Masters; Mothers Against Drunk Driving, Kitsap County.

OTHER: Sophia Byrd McSherry, Washington State Association of Counties.